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10/645,450	08/21/2003	David Rizzo	DRIZZO 3.0-001 RE	7979
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KRUMHOLZ &			PHAM, HUNG Q	
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			2168	
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SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
· 3 MO	NTHS	04/03/2007 PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

		Application No.	Applicant(s)				
Office Action Summary		10/645,450	RIZZO ET AL.				
		Examiner	Art Unit				
·		HUNG Q. PHAM	2168				
	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status							
1)	Responsive to communication(s) filed on 03 Fe	ebruary 2006.					
	This action is FINAL . 2b) This action is non-final.						
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Dispositi	ion of Claims						
4)🖂	4)⊠ Claim(s) <u>1-34</u> is/are pending in the application.						
	4a) Of the above claim(s) is/are withdrawn from consideration.						
5)	Claim(s) is/are allowed.						
6)⊠	Claim(s) <u>0-34</u> is/are rejected.		•				
7)	Claim(s) is/are objected to.						
. 8)□	Claim(s) are subject to restriction and/o	r election requirement.					
Applicati	ion Papers						
9)	The specification is objected to by the Examine	er.					
10)	The drawing(s) filed on is/are: a) acc	epted or b)□ objected to by the l	Examiner.				
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority ι	under 35 U.S.C. § 119	•					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 							
2) Notice 3) Information	et(s) ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO/SB/08) er No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	ate				

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DETAILED ACTION

Response to Arguments

• Claim Objections

The objection of claims 1, 14, 21, 22 and 32 has been withdrawn in view of the amendment.

Claim Rejections - 35 USC § 101

The rejection of claims 1-21 under 35 U.S.C. § 101 has been withdrawn in view of the amendment.

Claim Rejections - 35 USC § 112

Applicants' arguments with respect to the rejection of claims 1, 14, 17 and 21 under 35 U.S.C. § 112, first paragraph have been fully considered but they are not persuasive.

(1) Applicants directed the examiner to Col. 7 Lines 39-67 as the description of the rejected limitation automatically providing information indicative of another portion of received data to each responding one of service providers as recited in claims 1, 14 and 21. However, the description of Col. 7 Lines 39-67 does not illustrate automatically providing information indicative of another portion of received data to each responding one of service providers. Therefore, the rejection of claims 1, 14 and 21 under 35 U.S.C. § 112, first paragraph, is sustained.

Applicants directed the examiner to Col. 7 Lines 1-19 as the description of the rejected limitation after a given time period, said application selectively automatically makes at least a portion of said stored information available to each of said service providers based upon said stored information as recited in claim 17. However, the description of Col. 7 Lines 39-67 does not illustrate after a given time period, said application selectively automatically makes at least a portion of said stored information available to

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each of said service providers based upon said stored information. Therefore, the rejection of claim 17 under 35 U.S.C. § 112, first paragraph, is sustained.

Claim Rejections - 35 USC § 102 and 103

(1) Applicants' arguments with respect to the rejection of claims 1, 14 and 22 under 35 U.S.C. § 102 and 103 have been considered but they are not persuasive.

As argued by applicants at Page 10 Lines 21-29:

Neither Walker nor Sutcliffe discloses notifying potential clients of suitable service providers, receiving an indication of one or more selected service providers chosen from among the suitable service providers, and automatically generating and transmitting an electronic mail message to the selected service providers. Accordingly, applicants submit that claims 1, 14 and 22 are patentable over Walker and Sutcliffe - taken either alone or in combination - on at least this basis.

Further, since dependent claims inherit the limitations of their respective base claims, applicants believes that dependent claims 2-13, 15-20 and 23-34 are patentable over Walker and Sutcliffe for at least the same reasons discussed in connection with claims 1, 14, 21 and 22.

Examiner respectfully disagrees.

As shown in FIG. 15, box 1540, and disclosed by Walker at Col. 25 Lines 53-58, after selecting a number of expert at step 1540, the user is prompted for request and payment and request and payment is entered. The prompted request and payment after selecting a number of expert as taught by Walker indicates an indication of one or more selected service providers is received and selected providers being selected from among the displaying of a list of expert ID as said one or more suitable providers. As further disclosed by Walker at Col. 26 Lines 6-7 and Col. 21 Lines 14-26, the central controller 200 generates a price, which is attached to the requested and transmits to the qualifying experts by email. As seen, the qualifying experts are selected experts at step 1540, and the process of transmitting email to the selected experts by central controller

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200 as taught by Walker indicates the step of automatically generating and transmitting an electronic mail

message to the selected service providers.

The dependent claims 2-13, 15-20 and 23-34 are unpatentable over Walker and Sutcliffe

for at least the same reasons as discussed above.

(2) Applicants' arguments with respect to the rejection of claim 21 under 35 U.S.C. §

102 and 103 from Page 10 Lines 30 to Page 11 Line 6 have been considered but are moot in

view of the new ground(s) of rejection.

Claim Objections

Claims 1, 14 and 22 are objected to because of the following informalities: said one or more

suitable providers at lines 15-16 and 19 of claim 1, lines 28, 31-32 of claim 14, lines 14 and 17 of

claim 22 ("said one or more suitable professional services providers" is respectfully suggested).

Appropriate correction is required.

Claim 21 is objected to because of the following informalities: said identified one or more

service providers at lines 31 and 35-36 and said responding one of said service providers at line 38 ("said

identified one or more suitable professional services providers" and "said responding one of said identified one or

more suitable professional service providers" are respectfully suggested). Appropriate correction is

required.

Duplicate Claims, Warning

Applicant is advised that should claim 1 be found allowable, claim 22 will be objected to

under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application

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are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 14, 17 and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As in claims 1, 14 and 21, the claimed <u>automatically providing information indicative of another</u> portion of received data to each responding one of service providers were not described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or use the invention. In short, data entry devices are hardware, and hardware cannot be included in an electronic document, e.g., HTML document.

As in claim 17, the claimed after a given time period, said application selectively automatically makes at least a portion of said stored information available to each of said service providers based upon said

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stored information was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or use the invention.

Claim 21 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As in claim 21, the claimed limitation, application periodically generates and transmits via said computer network an electronic mail message to said identified one or more service providers, at lines 28-31 was not described in the specification. As in the Remark at Page 11 Lines 1-7, applicants directed the examiner to Col. 3 Line 1 to Col. 4 Line 21 of the Specification as the description of the amended features. However, the email message as described from Col. 3 Line 1 to Col. 4 Line 21 was not periodically generated and transmitted.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 14 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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As in claims 1 and 14, the claimed limitation, *said responding one of said service providers*, at lines 28-29 of claim 1 and line 42 of claim14, references to other items in the claim. It is unclear what item is being referenced.

As in claim 22, the claimed limitation, *said responding one of said professional services providers* at lines 28-29, references to other items in the claim. It is unclear what item is being referenced.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-11, 13-18, 20, 22-32 and 34 are rejected under 35 U.S.C. 102(e) as anticipated by Walker et al. [USP 5,862,223].

Regarding claims 1 and 22, Walker teaches a computerized method for matching potential clients with professional services providers which meet their personalized criteria and are interested in providing particular services to them (Walker, Abstract), the method comprising the steps of:

presenting a first electronic document to potential clients via a computer network (Walker, Col. 25, Lines 20-30);

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receiving data entered by said potential clients using said first electronic document, received data being indicative of criteria (Walker, Col. 25 Lines 30-34);

automatically comparing received data to data stored in a storage medium to identify one or more suitable professional services providers based upon criteria (Walker, Col. 25 Lines 35-40);

notifying said potential clients of said one or more suitable providers (Walker, Col. 25 Lines 40-43, a list of expert ID along with an option to see specific expert qualifications as well as pricing for the expert is displayed. The displaying of a list of expert ID along with an option indicates the step of notifying said potential clients of said one or more suitable providers);

receiving an indication of one or more selected service providers, said selected providers being selected from among said one or more suitable providers (FIG. 15, box 1540, Col. 25 Lines 53-58, after selecting a number of expert at step 1540, the user is prompted for request and payment and request and payment is entered. The prompted request and payment after selecting a number of expert as taught by Walker indicates an indication of one or more selected service providers is received and selected providers being selected from among the displaying of a list of expert ID as said one or more suitable providers);

automatically generating and transmitting an electronic mail message to said one or more selected service providers via said computer network, said electronic mail message including information indicative of a portion of received data (Walker, Col. 21, Lines 12-26, Col. 7, Lines 47-53); and

receiving a response from at least one responding one of one or more identified service providers
.
(Walker, Col. 21, Lines 35-36), and

automatically providing information indicative of another portion of received data to each responding one of service providers (Walker, Col. 21, Lines 35-37, Col. 7, Lines 53-57).

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Regarding claim 14, Walker teaches a system for matching potential clients with professional services providers which meet their personalized criteria and are interested in providing particular services to them (Walker, Abstract). The Walker system comprising:

at least one server being communicable via a computer network (Walker, FIG. 2, Col. 13, Lines 30-34);

an application executed by said at least one server (Walker, FIG. 6, Col. 16, Line 62-Col. 20, Line 27);

a storage medium accessible by both said application and server (Walker, FIG. 2, Col. 14, Lines 14-24); and,

a plurality of suitable microprocessor based devices being communicable with said at least one server via said computer network (Walker, Col. 16, Lines 1-26);

wherein, said application is responsive to requests received by said at least one server from at least one of said suitable microprocessor based devices to present at least one electronic document to said microprocessor based devices via said computer network (Walker, Col. 25, Lines 20-30);

wherein, said server receives data entered using said at least one electronic document, said received data being indicative of said criteria (Walker, Col. 25 Lines 30-34);

wherein said application automatically compares said received data to service provider data stored in said storage medium to identify one or more suitable professional services providers (Walker, Col. 25 Lines 35-40);

wherein said application notified said potential clients of said one or more suitable providers (Walker, Col. 25 Lines 40-43, a list of expert ID along with an option to see specific expert qualifications as well as pricing for the expert is displayed. The displaying of a list of expert ID along with an option indicates the step of notifying said potential clients of said one or more suitable providers);

wherein said application receives an indication of one or more selected service providers, said selected providers being selected from among said one or more suitable providers (FIG. 15, box 1540, Col. 25 Lines

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53-58, after selecting a number of expert at step 1540, the user is prompted for request and payment and request and payment is entered. The prompted request and payment after selecting a number of expert as taught by Walker indicates an indication of one or more selected service providers is received and selected providers being selected from among the displaying of a list of expert ID as said one or more suitable providers);

wherein said application automatically generates and transmits via said computer network an electronic mail message to said one or more selected service providers, said electronic mail message including information indicative of a portion of said received data (Walker, Col. 21, Lines 12-26, Col. 7, Lines 47-53); and,

wherein when said server receives a response from at least one responding one of said one or more selected service providers (Walker, Col. 21, Lines 35-36), said

application automatically provides information indicative of another portion of said received data to said responding one of said service providers via said computer network (Walker, Col. 21, Lines 35-37, Col. 7, Lines 53-57).

Regarding claims 2 and 23, Walker teaches all the claim subject matters as discussed above with respect to claims 1 and 22, Walker further discloses an electronic document includes

Hypertext Markup Language (HTML) information (Walker, Col. 25, Lines 20-52).

Regarding claims 3 and 24, Walker teaches all of the claimed subject matter as discussed above with respect to claims 2 and 23, Walker further discloses *computerized network includes a global interconnection of computers and computer networks* (Walker, Col. 13, Lines 9-61).

Regarding claims 4, 20 and 25, Walker teaches all of the claimed subject matter as discussed above with respect to claims 3, 14 and 24, and the description of Col. 25, Lines 20-52

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implies received data was entered using a commercially available browser software package (either Internet Explorer or Netscape is used for browsing).

Regarding claims 5 and 26, teaches all of the claimed subject matter as discussed above with respect to claims 1 and 22, Walker further discloses the step of *checking received data* to confirm it is in a proper format (Walker, Col. 19, Lines 25-28).

Regarding claims 6 and 27, Walker teaches all of the claimed subject matter as discussed above with respect to claims 1 and 22, Walker further discloses the step of *storing data* indicative of plurality of service providers on storage medium (Walker, Col. 14, Lines 25-41).

Regarding claims 7 and 28, Walker teaches all of the claimed subject matter as discussed above with respect to claims 1 and 22, Walker method further comprising the step of automatically storing received data on storage medium (Walker, Col. 19, Lines 1-3).

Regarding claims 8, 18 and 29, Walker teaches all of the claimed subject matter as discussed above with respect to claims 7, 14 and 28, Walker further discloses received data includes information indicative of information selected from the group consisting of a service provider size, a service provider specialty, a location of services to be provided, an estimated budget for services to be provided and a general description of services to be provided (Walker, Col. 17, Lines 13-35).

Regarding claims 9 and 30, Walker teaches all of the claimed subject matter as discussed above with respect to claims 8 and 29, the Walker method further comprising assigning a unique identifier to each of received data (Walker, Col. 17, Lines 7-12).

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Regarding claims 10 and 31, Walker teaches all of the claimed subject matter as discussed above with respect to claims 9 and 30, Walker further discloses *received data and unique* number are stored in a record (Walker, Col. 17, Lines 7-12).

Regarding claims 11 and 32, Walker teaches all of the claimed subject matter as discussed above with respect to claims 10 and 31, Walker further discloses *unique number is included in electronic message* (Walker, Col. 18, Lines 54-60).

Regarding claims 13, 15 and 34, Walker teaches all of the claimed subject matter as discussed above with respect to claims 1, 14 and 22, Walker further discloses *professional services* are legal services (Walker, Col. 19, Lines 29-45).

Regarding claim 16, Walker teaches all the claim subject matters as discussed above with respect to claim 14, Walker further discloses *a portion of said stored data is not accessible to said service providers* (Walker, FIG. 25, Col. 31, Lines 1-23).

Regarding claim 17, Walker teaches all the claim subject matters as discussed above with respect to claim 14, but does not explicitly teach the claimed wherein after a given time period, said application selectively automatically makes at least a portion of said stored information available to each of said service providers based upon said stored information. However, a user request can be put on a bulletin board (Walker, Col. 18, Lines 43-44), user's request is stored in a database (Walker, Col. 19, Lines 10-12), and a user has to resubmit a request within a given time period if there is no acceptance (Walker, Col. 21, Lines 31-35). Therefore, it would have been obvious for one of

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ordinary skill in the art at the time the invention was made to modify the Walker technique by making the stored request available using the bulletin board in order to look for an expert.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 12, 19, 21 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. [USP 5,862,223] in view of Sutcliffe et al. [USP 6,052,122].

Regarding claim 21, Walker teaches a system for matching potential clients with professional services providers which meet their personalized criteria and are interested in providing particular legal services to them. The Walker system comprising:

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at least one server being communicable via a computer network (Walker, FIG. 2, Col. 13, Lines 30-34);

an application executed by said at least one server (Walker, FIG. 6, Col. 16, Line 62-Col. 20, Line 27);

a storage medium accessible by both said application and server (Walker, FIG. 2, Col. 14, Lines 14-24); and,

a plurality of suitable microprocessor based devices being communicable with said at least one server via said computer network (Walker, Col. 16, Lines 1-26);

wherein, said application is responsive to requests received by said at least one server from at least one of said suitable microprocessor based devices to present at least one electronic document to said microprocessor based devices via said computer network (Walker, Col. 17 Lines 1-12 and Col. 18 Lines 43-46);

wherein, said server receives data entered using said at least one electronic document and stores said data in said storage medium, said received data being indicative of said criteria (Walker, FIG. 6, Col. 17, Lines 13-35 and Col. 19 Lines 1-3);

wherein said application compares said received data to service provider data stored in said storage medium to identify one or more suitable professional services providers (Walker, Col. 20, Lines 28-49);

wherein said application generates and transmits via said computer network an electronic mail message to said identified one or more service providers, said electronic mail message including information indicative of a portion of said received data (Walker, Col. 21, Lines 12-37, Col. 7, Lines 47-53); and,

wherein when said server receives a response from at least one responding one of said one or more identified service providers (Walker, Col. 21, Lines 35-36), said

application automatically provides information indicative of another portion of said received data to said responding one of said service providers via said computer network (Walker, Col. 21, Lines 35-37, Col. 7, Lines 53-57).

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Walker does not teach the steps comparing data and generating/transmitting email message are processed *periodically*.

Sutcliffe teaches a method for searching information (Sutcliffe, Abstract). Sutcliffe further discloses the comparing is performed *periodically* (Sutcliffe, Col. 8 Lines 2-5).

As disclosed by Walker at Col. 20 Lines 34-49 and Col. 21 Lines 12-26, after a list of experts is generated, an email request is sent to each qualified experts. Thus, by modifying the Walker searching by scheduling the search as taught by Sutcliffe, the email message is periodically generated and transmitted to a new found expert.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Walker searching technique by scheduling the search as taught by Sutcliffe, and by implementing the search periodically, the email is periodically generated and transmitted to a new found expert in order to match an updated expert with a user request.

Regarding claims 12, 19 and 33, Walker teaches all of the claimed subject matter as discussed above with respect to claims 1, 14 and 22, but fails to teach the step of *comparing* comprises periodically querying said storage medium.

Sutcliffe teaches the technique of *periodically querying said storage medium* (Sutcliffe, Col. 8, Lines 2-5).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to search the database periodically as taught by Sutcliffe in order to match a user with an updated expert.

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Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIM T. VO can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

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would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HUNG Q PHAM Examiner Art Unit 2168

March 20, 2007